

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

-----X
The Estate of DORA LEWIS, by her Proposed
Administrator, NATHANIEL LEWIS,

**Docket No.: 1:23-cv-00119-
DNH-CFH**

Judge: David N. Hurd

Plaintiff,

-against-

ORDER

CLR TROY LLC d/b/a TROY CENTER FOR
REHABILITATION AND NURSING, ABC
CORPORATION, ABC PARTNERSHIP,

Defendants.
-----X

UPON review of the Notice of Removal (ECF Doc. No. 1), together with all exhibits thereto, and in light of the Second Circuit's decisions in *Solomon v. St. Joseph Hosp.*, 62 F.4th 54 (2d Cir. 2023), *Leroy v. Hume*, No. 21-cv-2158, 2023 WL 2928353 (2d Cir. Apr. 13, 2023), and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Ctr.*, No. 21-cv-2164, 2023 WL 2926286 (2d Cir. Apr. 13, 2023);

NOW, it is hereby ordered as follows:

1. This matter is remanded to the Supreme Court of the State of Rensselaer, County (index number EF2022-272571), from which it was removed.
2. The Clerk is directed to return the file to the state court and close the case.
3. This remand shall be without costs to any party, and without prejudice to Defendant's ability to assert the defenses of immunity and/or preemption under the federal Public Readiness and Emergency Preparedness Act, 42 U.S.C. §§ 247d-6d, 247d-6e.

IT IS SO ORDERED:


David N. Hurd
U.S. District Judge

Dated: 11-30-2023